

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

**BILLY MILLS, JR.,**

**PLAINTIFF**

**V.**

**NO. 1:06CV101-M-B**

**PAUL HOWELL, JOHN MOSES,  
JASON WILLIS,**

**DEFENDANTS**

**ORDER OVERRULING OBJECTIONS and ADOPTING REPORT AND  
RECOMMENDATION**

The *pro se* Plaintiff, an inmate at the Central Mississippi Correctional Facility in Pearl, Mississippi, alleges in this § 1983 complaint an excessive force claim based on events that took place prior to his present incarceration. Following a *Spears* hearing, Magistrate Judge Eugene M. Bogen filed a Report and Recommendation on August 17, 2006, recommending dismissal of the claims against Defendant Paul Howell failure to state a claim upon which relief may be granted. On September 5, 2006, Plaintiff filed an Objection to the Report and Recommendation.

The court finds that Plaintiff's arguments are not well-taken and that the objections should be overruled for the reasons stated in the Report and Recommendation, which the court approves and adopts as its opinion.

THEREFORE, it is hereby ORDERED that

1) the Plaintiff's objections to the Report and Recommendation of the United States Magistrate Judge are OVERRULED;

2) the Report and Recommendation is APPROVED and ADOPTED as the opinion of this court; and

3) all claims against Defendant Paul Howell are DISMISSED;

SO ORDERED, this the 12<sup>th</sup> day of September, 2006.

/s/ Michael P. Mills  
**UNITED STATES DISTRICT JUDGE**